101ST CONGRESS
2d Session

SENATE

TREATY DOC.
101-14

PROTOCOL RELATING TO AN AMENDMENT TO ARTICLE 56 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE PROTOCOL RELATING TO AN AMENDMENT TO ARTICLE 56 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, DONE AT MONTREAL ON OCTOBER 6, 1989

FEBRUARY 28, 1990.—Protocol was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

---

U.S. GOVERNMENT PRINTING OFFICE

39-118 WASHINGTON : 1990

S385-7

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *February 28, 1990.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol Relating to an Amendment to Article 56 of the Convention on International Civil Aviation, done at Montreal on October 6, 1989. I also transmit, for the information of the Senate, the report received from the Department of State with respect to the protocol.

Article 56 of the convention concerns the composition of the Air Navigation Commission of the International Civil Aviation Organization and currently provides that it shall be composed of 15 members. The present protocol would increase the membership of the Commission to 19 members.

I recommend the Senate give early and favorable consideration to the protocol submitted herewith and give its advice and consent to ratification.

GEORGE BUSH.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, February 20, 1990.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to ratification, a Protocol, done at Montreal on October 6, 1989, relating to an amendment to Article 56 of the Convention on International Civil Aviation.

The amendment, upon entry into force, will have the effect of enlarging the Air Navigation Commission of the International Civil Aviation Organization (ICAO) from 15 to 19 members.

The Chicago International Civil Aviation Conference in 1944, in providing in Article 56 of the Convention on International Civil Aviation for an Air Navigation Commission of 12 members, called for the establishment of a small body of well-qualified experts to handle the complex technical problems of air navigation coming before ICAO. The members of the Commission are appointed by the ICAO Council from among the nominees of all ICAO member States and must have "suitable qualifications and experience in the science and practice of aeronautics."

When the ICAO Council first appointed the members of the ICAO Air Navigation Commission in 1949, there were only nine candidates. The membership of the Commission remained at nine until 1956 except for two periods when the membership was only eight. As a result of an appeal made to States at the 1956 session of the ICAO Assembly, the Commission that year reached its full membership of 12. Several years later, a tendency developed for States to submit more nominations than 12 for the three-year term of the Commission. In 1971, the ICAO Assembly approved an amendment to Article 56 increasing the membership of the Commission to 15. This amendment, which was ratified by the United States in view of the increase in the membership of ICAO, came into force in 1974.

In 1989 the ICAO Council proposed to the ICAO Assembly that Article 56 again be amended. The membership of ICAO had increased further to 161 contracting States, and at least four contracting States were sending observers to some of the meetings of the Air Navigation Commission. In accordance with Article 94(a) of the Convention, the proposed amendment was approved by the Assembly, which specified that it shall come into force, in respect of States which have ratified the amendment, when ratified by 108

contracting States (two-thirds of the total number of contracting States at the time of the Assembly session).

All interested agencies of the Executive Branch favor ratification of the Protocol.

It is hoped that the Senate at an early date will give its advice and consent to ratification.

Respectfully submitted,

JAMES A. BAKER III.

PROTOCOL RELATING TO AN AMENDMENT TO ARTICLE 56 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION—SIGNED AT MONTREAL ON 6 OCTOBER 1989

The Assembly of the International Civil Aviation Organization

Having met in its Twenty-seventh Session at Montreal on 6 October 1989,

Having noted that it is the general desire of Contracting States to enlarge the membership of the Air Navigation Commission,

Having considered it proper to increase the membership of that body from fifteen to nineteen, and

Having considered it necessary to amend, for the purpose aforesaid, the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944,

1. Approves, in accordance with the provisions of Article 94(*a*) of the Convention aforesaid, the following proposed amendment to the said Convention: "In Article 56 of the Convention the expression 'fifteen members' shall be replaced by 'nineteen members'."

2. Specifies, pursuant to the provisions of the said Article 94(*a*) of the said Convention, one hundred and eight as the number of Contracting States upon whose ratification the aforesaid amendment shall come into force; and

3. Resolves that the Secretary General of the International Civil Aviation Organization shall draw up a Protocol, in the English, French, Russian and Spanish languages, each of which shall be of equal authenticity, embodying the amendment above-mentioned and the matters hereinafter appearing:

(a) The Protocol shall be signed by the President of the Assembly and its Secretary General.

(b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.

(c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.

(d) The Protocol shall come into force in respect of the States that have ratified it on the date on which the one hundred and eighth instrument of ratification is so deposited.

(e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.

(f) The Secretary General shall immediately notify all States parties to the said Convention of the date on which the Protocol comes into force.

(g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

Consequently, pursuant to the aforesaid action of the Assembly,

This Protocol has been drawn up by the Secretary General of the Organization.

In witness whereof, the President and the Secretary General of the aforesaid Twenty-seventh Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

Done at Montreal on the sixth day of October of the year one thousand nine hundred and eighty-nine, in a single document in the English, French, Russian and Spanish languages, each text being equally authentic. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization, and certified copies thereof shall be transmitted by the Secretary General of the Organization to all States parties to the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944.

A. ALEGRIA,
President of the Twenty-seventh Session of the Assembly.

S.S. SIDHU,
Secretary General.

○